

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JOSE A. GARCIA,

Petitioner,

v.

WARDEN, FCI MENDOTA,

Respondent.

No. 1:23-cv-00833-JLT-SAB (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING  
PETITION FOR WRIT OF HABEAS  
CORPUS AS MOOT, TERMINATING  
RESPONDENT'S MOTION TO DISMISS,  
DENYING RESPONDENT'S SUPERSEDING  
MOTION TO DISMISS AS MOOT, AND  
DIRECTING CLERK OF COURT TO CLOSE  
CASE

(Docs. 11, 13, 21)

Jose A. Garcia is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 26, 2024, the magistrate judge issued Findings and Recommendations to dismiss the petition for writ of habeas corpus as moot, terminate Respondent's motion to dismiss, and deny Respondent's superseding motion to dismiss as moot. (Doc. 21.) The Court served the Findings and Recommendations on the parties and notified them that any objections were to be filed within 30 days. (*Id.* at 3.) The parties were further advised that "failure to file objections within the specified time may waive the right to appeal the District Court's order." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) To date, no objections have been filed,

1 and the time for doing so has passed.

2 According to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of the  
3 case. Having carefully reviewed the entire file, the Court concludes the Findings and  
4 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

5 1. The Findings and Recommendations issued on March 26, 2024 (Doc. 21) are

6 **ADOPTED IN FULL.**

7 2. The petition for writ of habeas corpus is **DISMISSED as moot.**

8 3. Respondent's motion to dismiss (Doc. 11) is **TERMINATED.**

9 4. Respondent's superseding motion to dismiss (Doc. 13) is **DENIED as moot.**

10 5. The Clerk of Court is directed to **CLOSE THE CASE.**

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12 IT IS SO ORDERED.

13 Dated: **May 17, 2024**

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UNITED STATES DISTRICT JUDGE